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EXAMINER

YIGDALL, MICHAEL J

ART UNIT PAPER NUMBER

2122

DATE MAILED: 04/19/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,977

Applicant(s)

VINCENT, JONATHAN M.

Examiner

Michael J. Yigdal

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-33 are pending and have been examined. The priority date considered for the application is 19 March 2001.

Specification

2. The abstract of the disclosure is objected to because the abstract must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,347,398 to Parthasarathy et al. (hereinafter Parthasarathy).

With respect to claim 1, Parthasarathy discloses, in a computer that communicates with other computers over a network (see FIG. 2), a method for automatically updating software components at the computer (see the title and abstract), the method comprising the acts of:

(a) accessing a data file (see column 11, lines 21-25, which shows accessing an HTML data file), wherein the data file includes:

(i) content data (see column 3, lines 31-37, which shows that multimedia content is included in the HTML data file); and

(ii) component information and version information specifying required software components and required versions thereof that are to be used to process the content data (see column 10, lines 4-14, which shows component and version information included in the file that references the software components required for the content data);

(b) comparing the component information and the version information with software components installed at the computer and identifying a required version of a required software component that is not yet installed at the computer (see column 10, lines 15-25, which shows comparing the information with the software components installed on the local computer and identifying the required version);

(c) requesting and receiving the required version of the required software component from one of said other computers (see column 13, lines 42-58, which shows downloading the required version of the required software component from a remote computer); and

(d) using the required version of the required software component to process the content data (see column 9, lines 22-32, which shows using the required software component for the multimedia content).

With respect to claim 2, Parthasarathy further discloses the act of receiving the data file from a server associated with the network (see column 11, lines 21-25, which shows receiving the HTML data file from a remote server).

With respect to claim 3, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that no version of the required software component is installed at the computer (see column 13, lines 42-48, which shows determining whether the software component is installed on the local computer).

With respect to claim 4, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that a previous version of the required software component is installed at the computer (see column 13, lines 42-48, which shows determining the previous version of the component installed on the local computer).

With respect to claim 5, Parthasarathy further discloses the act of installing the updated component files (see column 9, lines 42-45, which shows installing the software components).

With respect to claim 6, Parthasarathy further discloses the act of receiving the data file (see column 11, lines 21-25), wherein:

(a) the data file is received from a source external to the computer (see column 11, lines 21-25, which shows receiving the HTML data file from a remote server);

(b) the data file is a web document (see column 11, lines 21-25, which shows that the data file is an HTML document, i.e. a web document); and

(c) the required software component includes functionality associated with a feature of a web browser operating at the computer (see column 9, lines 22-32 and 55-62, which show that the software component provides functionality to a web browser).

With respect to claim 7, Parthasarathy further discloses the act of identifying a network location from which the required version of the required software component is to be received (see column 13, lines 49-58, which shows identifying a network location from which to obtain the software component).

With respect to claim 8, Parthasarathy further discloses the limitation wherein the act of identifying the network location comprises the act of requesting and receiving from a first computer associated with the network an update table that specifies the network location (see column 14, lines 25-40 and column 16, lines 45-50, which show receiving a control file having an update table that specifies network locations).

With respect to claim 9, Parthasarathy further discloses the acts of:

(a) determining that a required version of another required software component is already installed at the computer (see column 17, lines 45-60, which shows determining the version of a file or component already installed on the local computer); and

(b) processing the content data with the required version of said other required software component already installed at the computer without requesting or receiving the required version of said other software component from any other computer associated with the network (see column 17, lines 45-60, which shows not downloading files or components already installed on the local computer).

With respect to claim 10, Parthasarathy further discloses the limitation wherein the act of requesting and receiving the required version of the required software component is conducted

without requesting or receiving an updated copy of an entire software program that includes both the required version of the required software component and other required software components (see column 17, lines 45-60, which shows receiving the required version of the required software component without downloading the entire software program).

With respect to claim 11, Parthasarathy further discloses the limitation wherein the component information and the version information are encoded in the data file by a publisher of the data file (see column 11, lines 21-25, which shows that the component and version information is embedded or encoded in the HTML data file), the data file having been generated by the publisher using development software that includes functionality corresponding to the functionality of the required version of the required software component that is requested and received from said other computer (see column 9, lines 22-32 and 55-62, which show that the software component provides functionality to a web browser; note that inherently, the data file and the included content must be generated in some fashion using development software with corresponding functionality).

With respect to claim 12, Parthasarathy discloses, in a computer that communicates with other computers over a network (see FIG. 2), a method for automatically updating software components of a processing program at the computer so that the updated software components can be used to process content data of a data file (see the title and abstract), the method comprising the acts of:

(a) opening the data file using the processing software (see column 11, lines 21-25, which shows opening the HTML data file using a browser), wherein the data file includes:

(i) content data (see column 3, lines 31-37, which shows that multimedia content is included in the HTML data file); and

(ii) component information and version information specifying required software components and required versions thereof that are to be used to process the content data (see column 10, lines 4-14, which shows component and version information included in the file that references the software components required for the content data);

(b) comparing the component information and the version information with data identifying software components already installed at the client computer and versions of the installed software components (see column 10, lines 15-25, which shows comparing the information with the software components installed on the local computer and identifying the required version);

(c) based on the act of comparing, identifying a required version of a required software component that is not yet installed at the computer (see column 13, lines 42-48, which shows identifying the required version of the required software component not yet installed on the local computer);

(d) requesting an update table from another computer associated with the network, wherein the update table specifies a network location from which the required version of the required software component can be obtained (see column 14, lines 25-40 and column 16, lines 45-50, which show requesting a control file having an update table that specifies network locations from which the required components can be obtained);

(e) receiving the requested update table (see column 14, lines 25-40 and column 16, lines 45-50, which show receiving the control file having the update table);

(f) based on the update table, identifying said network location from which the required version of the required software component can be obtained (see column 17, lines 45-60, which shows identifying network locations from which the required components can be obtained);

(g) requesting the required version of the required software component from the network location (see column 17, lines 45-60, which shows downloading the required versions of the required software components);

(h) receiving the required version of the required software component from the network location (see column 17, lines 45-60, which shows downloading the required versions of the required software components); and

(i) installing the required version of the required software component, thereby updating the software components of the processing software such that the required version of the required software component can be used to process the content data (see column 9, lines 42-45, which shows installing the software components).

With respect to claim 13, Parthasarathy further discloses the limitation wherein at least some of the computers are server computers, the method further comprising the act of receiving the data file from one of the server computers (see column 11, lines 21-25, which shows receiving the HTML data file from a remote server).

With respect to claim 14, Parthasarathy further discloses the limitation wherein at least one of the server computers is a software server related to the processing program of the client computer (see column 15, lines 39-47, which shows that the server computers are software servers).

With respect to claim 15, Parthasarathy further discloses the limitation wherein the act of receiving the data file comprises the act of receiving a web document from one of the server computers (see column 11, lines 21-25, which shows receiving an HTML document, i.e. a web document), wherein the processing program is a web browser and the required version of the required software component is associated with the web browser (see column 9, lines 55-62, which shows that the software component is associated with a web browser).

With respect to claim 16, Parthasarathy further discloses the limitation wherein the act of requesting the update table comprises the act of requesting the update table from the software server (see column 14, lines 25-40 and column 16, lines 45-50, which show requesting a control file having an update table from the software server).

With respect to claim 17, Parthasarathy further discloses the act of sending the update table requested from the software server through the network to the computer (see column 14, lines 25-40 and column 16, lines 45-50, which show sending the control file having the update table over the network).

With respect to claim 18, Parthasarathy further discloses the step of sending the required version of the required software component from the network location to the computer through the network (see column 17, lines 45-60, which shows downloading the required versions of the required software components over the network).

With respect to claim 19, Parthasarathy further discloses the limitation wherein the network is a global communications network (see column 6, lines 44-56 and column 1, lines 20-31, which show that the network is the Internet, a global communications network).

With respect to claim 20, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that no version of the required software component is yet installed at the computer (see column 13, lines 42-48, which shows determining whether the software component is installed on the local computer).

With respect to claim 21, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that a previous version of the required software component has already been installed at the computer (see column 13, lines 42-48, which shows determining the previous version of the component installed on the local computer).

With respect to claim 22, Parthasarathy discloses a computer program product for implementing, in a computer that communicates with other computers over a network (see FIG. 2), a method for automatically updating software components at the computer (see the title and abstract), the computer program product comprising a computer-readable medium carrying computer-executable instructions that, when executed, cause the computer to perform the method (see column 4, line 64 to column 5, line 21), wherein the method comprises the acts of:

(a) accessing a data file (see column 11, lines 21-25, which shows accessing an HTML data file), wherein the data file includes:

(i) content data (see column 3, lines 31-37, which shows that multimedia content is included in the HTML data file); and

(ii) component information and version information specifying required software components and required versions thereof that are to be used to process the content data (see column 10, lines 4-14, which shows component and version information included in the file that references the software components required for the content data);

(b) comparing the component information and the version information with software components installed at the computer and identifying a required version of a required software component that is not yet installed at the computer (see column 10, lines 15-25, which shows comparing the information with the software components installed on the local computer and identifying the required version);

(c) requesting and receiving the required version of the required software component from one of said other computers (see column 13, lines 42-58, which shows downloading the required version of the required software component from a remote computer); and

(d) using the required version of the required software component to process the content data (see column 9, lines 22-32, which shows using the required software component for the multimedia content).

With respect to claim 23, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that no version of the required software component is installed at the computer (see column 13, lines 42-48, which shows determining whether the software component is installed on the local computer).

With respect to claim 24, Parthasarathy further discloses the limitation wherein the act of identifying a required version of a required software component that is not yet installed at the computer comprises the act of determining that a previous version of the required software component is installed at the computer (see column 13, lines 42-48, which shows determining the previous version of the component installed on the local computer).

With respect to claim 25, Parthasarathy further discloses the limitation wherein the required version of the required component is associated with browser software that operates at the computer and processes the content data (see column 9, lines 55-62, which shows that the software component is associated with a web browser and processes the multimedia content).

With respect to claim 26, Parthasarathy further discloses the limitation wherein the method further comprises the act of installing the required version of the required software component after the required version of the required software component is received at the computer (see column 9, lines 33-45, which shows downloading and subsequently installing the software components).

With respect to claim 27, Parthasarathy discloses a system of networked computers that is capable of automatically updating software components of a processing program of a computer included in the system so that the updated software components can be used to process content data of a data file (see the title and abstract), the system comprising:

(a) a computer, wherein the computer includes a memory module which stores software components of the processing program that are used to process the data file (see column 6, lines

44-56, which shows a local computer having a memory module that stores a processing program used to process the data file; see also column 9, lines 55-62, which shows the software components of the processing program);

(b) a plurality of servers with memory modules that store updated software components (see column 15, lines 39-47, which shows a plurality of software servers), wherein one of the plurality of servers is a software server with a memory module that stores a table of available updated software components related to the processing program and the network locations from which the updated software components can be obtained (see column 16, lines 45-50, which shows a control file stored on the software server having a table of network locations from which updated software components can be obtained), wherein the computer uses a communication module to interface with the plurality of servers (see column 6, lines 56-65, which shows a network interface);

(c) a communication network that connects the computer with the plurality of servers (see column 6, lines 44-56, which shows a communication network); and

(d) processing means at the computer (see column 4, line 64 to column 5, line 13) for:

(i) comparing component information and version information of a data file specifying required software components and required versions thereof that are to be used to process content data included in the data file with software components installed at the computer and identifying a required version of a required software component that is not yet installed at the computer (see column 10, lines 4-25, which shows comparing component and version information in the data file with the software components

installed on the local computer and identifying the required version of the required software component not yet installed); and

(ii) automatically obtaining the required version of the required software component from a network location specified in said table (see column 17, lines 45-60, which shows downloading the required versions of the required software components based on the table in the control file).

With respect to claim 28, Parthasarathy further discloses the limitation wherein the processing means for automatically obtaining the required version of the required software component comprise processing means for:

(a) creating a list of the required version of the required software component and any other required versions of other required software components (see column 16, line 53 to column 17, line 36, which shows a list of the required versions of required software components);

(b) obtaining the table of available updated software components (see column 14, lines 25-40 and column 16, lines 45-50, which show obtaining a control file having an table of software components);

(c) requesting the required version of the required software component from the network location specified in said table (see column 17, lines 45-60, which shows downloading the required versions of the required software components);

(d) receiving the required version of the required software component (see column 17, lines 45-60, which shows downloading the required versions of the required software components); and

(e) installing the required version of the required software component such that the processing program can use the required version of the required software component to process the content data of the data file (see column 9, lines 42-45, which shows installing the software components).

With respect to claim 29, Parthasarathy further discloses the limitation wherein the network locations from which the updated software components can be obtained are associated with addresses of the plurality of servers (see column 15, lines 39-47, which shows the plurality of servers from which the updated software components can be obtained).

With respect to claim 30, Parthasarathy discloses a system for automatically updating software components of a processing program of a computer system so that the updated software components can be used to process content data of a data file (see the title and abstract), the system comprising:

(a) means for opening a data file (see column 11, lines 21-25, which shows opening an HTML data file), wherein the data file includes:

(i) content data (see column 3, lines 31-37, which shows that multimedia content is included in the HTML data file); and

(ii) component information and version information specifying required software components and required versions thereof that are to be used to process the content data (see column 10, lines 4-14, which shows component and version information included in the file that references the software components required for the content data);

(b) means for reading the component information and the version information (see column 10, lines 15-25, which shows reading the component and version information);

(c) means for logically comparing the component information and the version information with the software components already installed at the computer to determine whether any required version of any required software component is not yet installed at the computer (see column 10, lines 15-25, which shows comparing the information with the software components installed on the local computer and identifying the required version);

(d) means for requesting from a source external to the computer said any required version of said any required software component that is not yet installed at the computer (see column 13, lines 42-58, which shows downloading the required version of the required software component from a remote computer);

(e) means for receiving said any required version of said any required software components sent by the source (see column 13, lines 42-58, which shows downloading the required version of the required software component from a remote computer);

(f) and means for installing said any required version of said any required software component such that the computer can use updated versions of the required software components to process the content data (see column 9, lines 42-45, which shows installing the software components).

With respect to claim 31, Parthasarathy further discloses means for receiving the data file from a computer associated with the network (see column 11, lines 21-25, which shows receiving the HTML data file from a remote server).

With respect to claim 32, Parthasarathy further discloses means for identifying a network location associated with said source external to the computer from which at least one of said any required versions of said any software components can be obtained (see column 13, lines 49-58, which shows identifying a network location from which to obtain the software component).

With respect to claim 33, Parthasarathy further discloses the limitation wherein the means for logically comparing is capable of comparing the component information and the version information with data identifying software components already installed at the client computer and versions of the installed software components (see column 13, lines 42-48, which shows comparing the information with the versions of the component installed on the local computer).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 6,493,871 to McGuire et al. discloses a method for updating software by downloading only the required files. U.S. Pat. No. 6,314,565 to Kenner et al. discloses a method for automatically updating software components. U.S. Pat. No. 5,960,189 to Stupek, Jr. et al. discloses a method for automatically upgrading software.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (703) 305-0352. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MY

Michael J. Yigdall
Examiner
Art Unit 2122

mjy
April 6, 2004



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**